UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOSE ALEJANDRO GUTIERREZ,

Petitioner,

versus

CIVIL ACTION NO. 1:20-CV-36

WARDEN FCI BEAUMONT MEDIUM,

Respondent.

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Jose Alejandro Gutierrez, proceeding *pro se*, filed this petition for writ of habeas corpus. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of the court.

The magistrate judge submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting the motion for summary judgment filed by the respondent and denying the petition pursuant to Federal Rule of Civil Procedure 56.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The motion for summary judgment is **GRANTED**. A final judgment will be entered denying the petition.

SIGNED at Beaumont, Texas, this 24th day of June, 2021.

MARCIA A. CRONE UNITED STATES DISTRICT JUDGE

Maria a. Crono.